

FILED  
GREAT FALLS DIV.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

DEPUTY CLERK

2009 MAY 28 PM 1 34

PATRICK E. DUFFY, CLERK

ROGER WILLIAM DAVIS,

Plaintiff,

No. CV-09-45-GF-SEH

vs.

WARDEN SAM LAW, et al.,

Defendants.

ORDER

On May 12, 2009, United States Magistrate Judge Keith Strong entered his Findings and Recommendation<sup>1</sup> in this matter. Plaintiff filed objections on May 20, 2009 and May 26, 2009.<sup>2</sup> The Court reviews *de novo* findings and recommendations to which objections are made. 28 U.S.C. § 636(b)(1).

Upon *de novo* review of the record, I find no error in Judge Strong's Findings and Recommendation and adopt them in full.

ORDERED:

1. Plaintiff's Complaint<sup>3</sup> is DISMISSED with prejudice for failure to

---

<sup>1</sup> Document No. 4

<sup>2</sup> Document Nos. 6 and 7

<sup>3</sup> Document No. 1

state a claim upon which relief may be granted.

2. The filing of this action counts as one strike for failure to state a claim. 28 U.S.C. § 1915(g).

3. Any appeal from this disposition will not be taken in good faith as Plaintiff has not alleged a viable claim under the Due Process Clause of the United States Constitution. Fed. R. App. P. 24(a)(3).

DATED this 28<sup>th</sup> day of May, 2009.

  
SAM E. HADDON  
United States District Judge